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13 UNITED STATES DISTRICT COURT

14 DISTRICT OF ARIZONA

15 In Re Bard IVC Filters Products
16 Liability Litigation

17 No. MD-15-02641-PHX-DGC

18 **MOTION TO SEAL DOCUMENTS
19 LODGED BY DEFENDANTS**

20 In accordance with Section 25 of the Stipulated Protective Order [Doc. 269],
21 Plaintiffs move this Court to seal the documents that Defendants C.R. Bard, Inc. and Bard
22 Peripheral Vascular (collectively “Bard”) lodged pursuant to its Notice of Lodging Under
23 Seal Certain Exhibits in Support of Bard’s Motion to Exclude the Opinions of David
24 Garcia, M.D. and Michael Streiff, M.D. [Doc. 7295] and Notice of Lodging Under Seal
25 Certain Exhibits in Support of Bard’s Motion to Exclude the Opinions of Darren M.
Hurst, M.D. [Doc. 7307] (collectively “Notices”). As Bard admits in its Notices, the
information and materials it has lodged “contain Plaintiff’s personal healthcare
information that is protected under HIPAA and confidential under the Stipulated
Protective Order.” Notices at 1. Indeed, there is no dispute regarding the need to file the
lodged documents under seal.

26 The information that Bard has lodged with its Notices all relates to Plaintiffs’
27 personal healthcare, treatment, and medical records. Such information is clearly protected
28 under the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996

1 (“HIPAA”), 45 C.F.R. § 160, 164(A) & (E). And, the knowing disclosure of such
2 information is prohibited by 42 U.S.C. § 1320d-6. Again, there is no dispute as to the
3 protected nature of the information – Bard admits that in its Notices. And, this Court has
4 already granted the filing under seal of the same (or similar) information when the parties
5 submitted their respective bellwether submissions. [See Doc. 4366.]

6 Accordingly, Plaintiffs request that the Court order the information and documents
7 lodged with Bard’s Notices at docket numbers 7295 and 7303 be filed under seal.

8 RESPECTFULLY SUBMITTED this 15th day of September 2017.

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CERTIFICATE OF SERVICE

19 I hereby certify that on this 15th day of September, 2017, I electronically
20 transmitted the attached document to the Clerk’s Office using the CM/ECF System for
21 filing and transmittal of a Notice of Electronic Filing.

22 /s/ Deborah Yanazzo
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